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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,790	03/29/2002	Herman Schmodde	214907	5616

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EXAMINER

MANSEN, MICHAEL R

ART UNIT PAPER NUMBER

3654

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,790

Applicant(s)

SCHMODDE ET AL.

Examiner

Michael R Mansen

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because reference numerals "27" and "28" identify two different elements each in Figures 6 and 7 and reference numeral "35" identifies two elements in Figures 6 and 7.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The permanent magnets 108" on page 10, line 28 of the amendment filed on January 11, 2002 (pre-amendment), the "leg 114" on page 13, line 24, the "hoop 197" on page 15, line 11, and the "handle 72" on page 15, line 19 and the "dot-dashed lines Fig 14" on page 11, line 15 of pre-amendment.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "housing being made of plastic" in claims 16, 26 and 38 and the "elastomer bearing receiving elements" in claim 36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after

Art Unit: 3654

the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

The disclosure is objected to because of the following informalities: Reference numeral "33" identifies three elements on page 7, line 1, of pre-amendment, "housing cart 33", page 7, line 11 of pre-amendment, "housing part 33", and on page 7, line 27, "metal strips 33". Reference numeral "125" identifies two elements on page 14, line 1, "rib 125" and "free end 125". Reference numeral "105" identifies two elements on page 15, lines 5-6, "yarn brake 105" and line 6, "rings 105".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16-25, 29, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 16, line 2, "the yarn feeder" has no antecedent basis. No structure to feed yarn is set forth in claim 16. Applicant has set forth title of "a yarn feeder" to claim 16, yet fails to provide any structure that would feed yarn. How does the structure set forth define a yarn feeder for feeding yarn?

With respect to claim 19, lines 1 and 2, "the housing pads", "the fastening device" and "the housing parts" have no antecedent basis.

Art Unit: 3654

With respect to claim 25, line 2, "the fastening device" has no antecedent basis.

With respect to claim 29, line 1, "the housing parts" has no antecedent basis.

With respect to claim 40, line 2, "the metal elements" have no antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-23 and 25-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaufmann et al. (U.S. Patent 5,716,024).

Kaufmann et al. discloses a yarn feeder (1) comprising a plastic housing (3) having a plastic fastening clamp (6) for securing the yarn feeder to a retaining device of a textile machine and said plastic fastening clamp (6) having a box-like cross-sectional profile and has grooves forming a coupling device for connecting at least one further housing component, for example a clamp for clamping onto the top of the clamp (6), wherein said housing has two parts (10, 11) that fit over one another in the region of a fastening device (120). Kaufmann et al. also disclose the housing (10) includes receptacles into which metal elements (69, 70) are disposed. With respect to claims 26-31, Kaufmann et al. disclose a yarn guide drum (13) mounted adjacent an end of a shaft extending through said housing (10, 11) and supported at least two roller bearings (41, 42), a drive for rotating said shaft and yarn guide drum (13) including at least one pulley

Art Unit: 3654

carried on said shaft and a drive belt (50) for driving said pulley, said at least one pulley and drive belt (50) being in spaced relation to one side of said yarn guide drum (13).

With respect to claims 32-39, Kaufmann et al. further discloses yarn guides (22) and (14) as shown in Figure 3 for defining a yarn travel path toward and away from the yarn guide drum (13) and as shown in Figures 5 and 8, Kaufmann et al. disclose that each of the housing parts (10, 11) has bearing seats for one and the other roller bearings (41, 42) and are connected to each other by screw or detent connections (120), wherein the sides of the housing parts have sides that form alignment members which locate the housing parts in proper positionable relation to each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufmann et al. (U.S. Patent 5,716,024) in view of Horvath et al. (U.S. Patent 5,782,424).

Kaufmann et al., as set forth above, do not disclose movable yarn sensor elements supported on the metal elements. Kaufmann et al. disclose metal elements (69, 70) for making a connection between sensors or switches, provided on the feeder device (1) see Column 7, lines 56-52. Horvath et al. teach a yarn feeder (5) including

Art Unit: 3654

movable yarn sensors (23, 24) for sensing yarn breaks. It would have been obvious to one of ordinary skill in the art to provide Kaufmann et al. with movable yarn sensors to sense yarn breaks that connect to the metal elements (69, 70) as taught by Horvath et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Mansen whose telephone number is (703) 308-2655. The examiner can normally be reached on 9 hour days with Second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (703) 308-2688. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Michael R Mansen
Primary Examiner
Art Unit 3654

mrn
March 17, 2003